UNITED NATIONS

LOS

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Distr.
GENERAL

LOS/PCN/142
1 August 1994

ORIGINAL: ENGLISH

PREPARATORY COMMISSION FOR THE
INTERNATIONAL SEABED AUTHORITY
AND FOR THE INTERNATIONAL
TRIBUNAL FOR THE LAW OF THE SEA
New York, 1-12 August 1994

DRAFT BUDGET FOR THE FIRST FINANCIAL PERIOD OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA - PRELIMINARY ESTIMATES

Prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	3
II.	TIMING AND PHASES OF INITIAL ACTIVITIES	4 - 19	3
	A. Organizational phase (start-up period)	4 - 8	3
	B. First functional phase	9 - 19	5
	1. Judiciary	10 - 14	5
	2. Registry	15 - 19	6
	Post requirements	17	6
III.	ASSUMPTIONS COMMON TO ORGANIZATIONAL AND FUNCTIONAL PHASES	20 - 22	7
	Staff deployment	22	7
IV.	ASSUMPTIONS WITH REGARD TO COST ESTIMATES	23 - 29	7
	Remuneration of Members of the Tribunal	23	7

CONTENTS (continued)

		Paragraphs	Page
	Staffing structure, levels and remuneration of staff .	25	8
	Other items of recurrent expenditure	26	8
	Non-recurrent expenditures	27	8
	Currency	28	8
V.	BUDGETARY ARRANGEMENTS FOR THE FIRST FINANCIAL PERIOD	30 - 36	9
	Apportionment of contributions (scale of assessments)	31	9
	Start-up arrangements	35	9

Annexes

I.	REGISTRY STAFFING LEVELS AND DESIGNATIONS - FIRST FUNCTIONAL PHASE (STARTING JULY 1996)	13
II.	STAFF DISTRIBUTION BASED ON FUNCTIONS AND DIVISIONS - FIRST FUNCTIONAL PHASE (STARTING JULY 1996)	15
III.	POST REQUIREMENTS IN THE ORGANIZATIONAL PHASE - START-UP PERIOD, JULY 1995-JUNE 1996	16
IV.	DOCUMENTS OF SPECIAL COMMISSION 4 - WORKING PAPERS	17

List of tables

1.	ADMINISTRATIVE EXPENSES OF THE TRIBUNAL, JANUARY-DECEMBER 1996 (PRELIMINARY ESTIMATES)	21
2.	ADMINISTRATIVE EXPENSES OF THE TRIBUNAL - START-UP PERIOD, JULY-DECEMBER 1995, PRELIMINARY ESTIMATES	23

I. INTRODUCTION

1. The International Tribunal for the Law of the Sea 1/ was created by the 1982 United Nations Convention on the Law of the Sea. 2/ The Statute of the Tribunal (Annex VI to the Convention) sets out its composition and method of functioning. The Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea was set up to prepare for those two institutions. It was entrusted with the task of ensuring the entry into effective operation of the Tribunal. It was charged, inter alia, with preparing a report containing recommendations regarding practical arrangements for the establishment of the International Tribunal, to be submitted to the meeting of the States Parties to the Convention. 3/ The Preparatory Commission created a Special Commission 4 and responsibility was delegated to it. The Secretariat was mandated to prepare the necessary working papers and formulated the working papers on the administrative arrangements, structure and financial implications of establishing the Tribunal, 4/ with alternatives as to the number of official working languages. 5/ Subsequently the Preparatory Commission laid down the stipulation that the Tribunal should be cost-effective and should respond to the level of activity. The Secretariat responded by presenting a proposal for phasing in the establishment of the Tribunal during the formative period. 6/ It also presented a paper on issues concerning its initial financing and budget. 7/ These were intended to cover the first years of functioning of the Tribunal. Following the review of these papers by the Special Commission, at its request the Secretariat formulated a revised working paper setting out the estimated financial implications of alternative approaches to the phasing in of the Tribunal as well as a report on the alternatives as to the means of initial financing. 8/

2. The preliminary organizational phase - the "start-up" period of the Tribunal's activities - is, however, not covered in the working papers on the administrative arrangements, structure and financial implications. 9/ The administrative arrangements and financial implications of this preliminary phase are addressed in the present paper to facilitate consideration of the requisite budgetary arrangements in view of the entry into force of the Convention on 16 November 1994.

3. Certain assumptions have to be made as regards the organizational arrangements, the nature, timing and periodicity of meetings, the number of judges to be active and in attendance, and other factors. The cost implications presented hereunder are based on those assumptions and others as noted. The proposals would take into account the criteria laid out in the Statute of the Tribunal and in its draft Rules. 10/

II. TIMING AND PHASES OF INITIAL ACTIVITIES

A. Organizational phase (start-up period)

4. The preliminary organizational phase, the "start-up" period of the Tribunal's activities, would commence following the election of the judges at the meeting of States Parties. The financial implications of the meeting of

States Parties are not included in the present budgetary estimates. 11/ Consistent with the requirements of the Convention, the 21 Members (judges) of the Tribunal would be elected at the meeting of States Parties convened for the purpose, 12/ probably in May 1995. 13/ It is understood, however, that initially only a limited number of judges would be required to be active and available. 14/ However, at the very outset, during the start-up phase, the full complement of 21 judges would participate in executive sessions at three or four organizational meetings of limited duration (three to four weeks each). It is assumed that the organizational meetings would be periodic and not continuous. 15/

5. On the basis of the above assumptions the administrative arrangements for setting up the Tribunal should commence in July 1995, i.e., about two months before the tribunal as a whole first convenes, in September 1995 16/ for the first organizational meeting of four to six weeks. At the first organizational meeting, 17/ two weeks could be set aside for preliminary organization, election of the President and Vice-President, setting up of committees etc., and other practical internal arrangements. This could be followed by the inauguration of the Tribunal with a formal swearing-in ceremony for the judges. Thereafter they could resume in executive session for the remaining two to four weeks. They would then disperse and resume in executive sessions later in the year. During the break the President, Vice-President and three other judges (following scheme B referred to in para. 10 below) would continue to be active and available. They would carry out the follow-up activity to the first executive session and would prepare for the next. The next executive session, also of four weeks' duration, could be held later in the year. 18/ This would be followed by one or two further sessions of four weeks' duration each, in the next year. 19/

6. During this organizational phase, which is anticipated to span eight or nine months from when they first convene, the judges would organize the work, elect officials among the judges, make the necessary administrative arrangements and appoint a(n) (acting) Registrar. Until long-term financial and budgetary arrangements are made, the tentative plans would be for start-up of operations with a small nucleus of staff to service the meetings of the judges and to organize the Registry. Pending the establishment of terms, conditions and other arrangements, an acting Registrar could be charged with carrying out the functions. The judges would also have to adopt the Rules of the Tribunal, elect a Registrar and appoint a deputy, formulate the terms and conditions of service for the Registry officials and staff, organize the procedures and arrangements, including those for dealing with cases and internal procedures, for budget, accounts, administration, personnel, etc.

7. The whole range of working papers and documents required by the Tribunal for its use, review and adoption would be submitted to it as addenda to the report to the meeting of States Parties (LOS/PCN/SCN.4/WP.16). The original working papers and the revisions by the Secretariat after review by the Special Commission, which provide a history of developments, would also be available, as would the other documentation of Special Commission 4. 20/ Consequently it is assumed that during the organizational phase there would be a very limited need for new documentation, nor is it anticipated that a volume of new documentation would emanate from the executive sessions of the judges. Limited requirements

as to interpretation and translation are also anticipated in view of the documentation currently available in all six languages and in view of the assumption that the Tribunal will function in only two official working languages. 21/

8. During this phase the Registry would also have to carry out its internal administrative organization and recruitment, while giving effect to the personnel, budgetary and accounting arrangements that are adopted.

B. First functional phase

9. At the end of the organizational phase, the Tribunal would commence its first functional phase, perhaps in mid 1996. The organizational arrangements for that stage may be reviewed under the appropriate heads.

1. Judiciary

10. It was the understanding of the Special Commission that at the outset the workload of the Tribunal would be light and that initially there may not be a need for the full complement of judges to be in active participation. 22/ Under the phasing-in approach, certain Members would be required to be active and available at all times, while the others would hold themselves available in reserve, in the event that a greater number of Members was required or when a full Tribunal had to be constituted. 23/ Thus, under the phasing-in approach, three alternative schemes, schemes A, B and C, are assumed (for details about the schemes, see LOS/PCN/SCN.4/WP.8/Add.2, paras. 1-22):

(a) Scheme A: 2 Members (President and Vice-President) active and available at Seat, 19 Members hold themselves in reserve;

(b) Scheme B: 5 Members (President, Vice-President and 3 Members) active and available at Seat, 16 Members hold themselves in reserve;

(c) Scheme C: 11 Members (President, Vice-President and 9 Members) active and available at Seat, 10 Members hold themselves in reserve.

In the present paper, only Scheme B is considered. 24/

11. When the Tribunal is expected to become functional and ready to receive cases, in the third quarter of 1996, the Registry should be adequately staffed for the purpose. Thus, it is also assumed that in the first functional phase the Registry will be set up on the basis of scheme B referred to above. 25/ Practical arrangements would be assumed to flow from this scheme of operation and the consequential budgetary implications are assumed. It is also assumed that early in the organizational phase 26/ the Tribunal would have established the arrangements as to which Members would be active and available. According to scheme B this would be the President, Vice-President and three other judges. The other Members (16) would be in reserve to be available only when necessary. They would only receive an annual allowance ("honorarium") unless and until they are called upon to serve for a specific case or a specified period. 27/ The

"active" judges would receive all allowances and subsistence payments for full-time participation and availability. 28/

12. For the purpose of determining the level of activity and the consequential level of services and cost estimates, it is assumed that the annual workload of the Tribunal would comprise five to six contentious cases and four to six applications such as those for provisional measures or the prompt release of vessels and crews. 29/ It is also assumed for the purposes of the present paper that the Tribunal will have no more than two official working languages.

13. The arrangement of five judges active and participating would ensure (a) geographical representation; 30/ (b) the presence of the President at the Seat at all times; 31/ (c) the constitution of a chamber of summary procedure 32/ to deal, inter alia, with questions of prompt release of vessels and crew, 33/ and the constitution of ad hoc special chambers; 34/ and (d) the constitution of standing special chambers for particular categories of disputes. 35/

14. The transition from scheme B with 5 judges active and participating, to scheme C with 11 judges active and participating 36/ could be made at any stage if the workload so requires. The financial implications of such a change can be seen in the estimates.

2. Registry

15. The Registry is the administrative organ of the Tribunal. It will provide legal, procedural, administrative, diplomatic and any technical support for the Tribunal. It will also have responsibility for the financial and accounting administration, and for documentation, archival and library services. The organization of the Registry and the appointment of staff is to be approved by the Tribunal on the recommendation of the Registrar. 37/

16. It is assumed that an appropriate structure for the Registry would require three main functional divisions, as follows:

(a) Legal Division;

(b) Documentation/Archives/Linguistic Services Division;

(c) Division for Administration and General Services.

17. Post requirements. Estimates of post requirements are based on the governing principles of cost-effectiveness and a consequential phasing in during the evolutionary stages while ensuring judicial independence. The estimates of post requirements also reflect an approach whereby Professional and General Service staffing is based on the recruitment of multivalent staff who have combined capabilities. 38/

18. The assumptions about post requirements are summarized in annexes I and II to the present paper. These assumptions as regards the level and number of posts involved closely follow the equivalent functions performed by the

International Court of Justice and the staffing structure of that Court. The review of the Special Commission included a review of these requirements as well. It is assumed that staff in the Professional category and above would be recruited internationally, and that staff in the General Service category would be recruited locally.

19. It is assumed that interpretation and translation services would be provided on a temporary basis as needed. The present paper does not include conference-servicing costs. 39/

III. ASSUMPTIONS COMMON TO ORGANIZATIONAL AND FUNCTIONAL PHASES

20. All the assumptions about functions of staff, post qualifications, recruitment levels, remuneration of judges and Registry staff and bases for recurrent and non-recurrent expenditures would apply equally to the organizational phase/start-up period and to the first functional phase.

21. The assumptions concerning the organizational phase/start-up period would apply to the second half of the calendar year 1995 and to the first half of the calendar year 1996.

22. Staff deployment. The proposed deployment period for the recruitment and entry on duty of the full contingent of staff of the Registry is assumed to be as follows: (a) the first group would be on duty by 1 September 1995; and (b) the next group should be on duty by 1 June 1996. Estimates of post requirements during the organizational phase/start-up period, under these assumptions, are presented in annex III to the present paper.

IV. ASSUMPTIONS WITH REGARD TO COST ESTIMATES

23. Remuneration of Members of the Tribunal. The level of remuneration that would be appropriate for the Members (judges) of the Tribunal was reviewed by the Commission in 1990 on the basis of equivalencies with remuneration levels of judges of the International Court of Justice applicable at the time. There has since been an increase in their remuneration. 40/ The review was based on several factors. In order to minimize the cost implications during the initial phase, it is assumed that the amount of annual allowance should be kept at the basic level. Thus, those Members who are on "reserve" and not actively engaged in the business of the Tribunal would only receive a limited annual allowance (as an honorarium), which for the purpose of the estimates in the present paper is assumed to be $25,000. They would not receive a special allowance or any other remuneration in the usual course, unless they are called upon to serve. Their total remuneration would only be the amount of the annual allowance.

24. For those Members who are in the "active" group and are called upon to serve, the special allowance for a year cannot exceed the annual allowance, and on the basis of the assumptions in the present paper, the maximum special allowance would also thus be $25,000. Given the need for active Members to maintain a presence at or near the Seat of the Tribunal, it is assumed that a

supplementary subsistence allowance would be paid. It is assumed that where active engagement and presence is required for a prolonged period, the maximum amount of subsistence allowance would be for 250 days in any calendar year. 41/ Utilizing the current level of subsistence payment under United Nations practice for Hamburg, the maximum amount of subsistence payment for any calendar year would therefore be computed at $62,500. 42/ Thus, the maximum remuneration that a Member would receive, including the maximum subsistence allowance, would be $112,500 per year. This would bring the total remuneration of a Member who is present and functions throughout the year to a comparable level with the salaries of judges of other international courts and tribunals. 43/ The remuneration levels were applicable at the time of that review in 1990. A multiplier would be computed to bring the total remuneration to the same level that judges of other courts currently receive. That multiplier would be used in relation to each element of allowances so that the net salaries are commensurate. When the Tribunal is fully functional and active, the subsistence component could be incorporated into the basic annual and special allowances.

25. Staffing structure, levels and remuneration of staff. The structure of the Registry, its functions, the post requirements and levels assigned to its staff closely follow the experience and practice of the International Court of Justice and the staffing of its Registry. Staff of the Registry would be remunerated according to the common system of the United Nations system of organizations, as administered by the International Civil Service Commission.

26. Other items of recurrent expenditure. Estimates of other objects of expenditures are based on the budgetary experience of units of the United Nations which have comparable number, category and level of staff. The budgetary experience of the International Court of Justice has been drawn upon, in particular. Adjustments have been made bearing in mind the special needs of the Tribunal as a unique sui-generis institution and as an institution commencing functioning with an evolutionary approach.

27. Non-recurrent expenditures. Estimates of non-recurrent expenditures, including those on office equipment and furniture, data-processing equipment, transportation equipment, etc., are based on the budgetary experience of the United Nations.

28. Currency. For the purpose of making the cost estimates, United States dollars have been used. However, in determining the currency in which the Tribunal would operate:

- The Preparatory Commission may wish to give consideration to the fact that the currency of the host country of the headquarters has in practice been used in the case of the United Nations.

29. The preliminary estimates of the administrative expenses of the Tribunal for calendar year 1996, and for the start-up period (May-December 1995), are presented in tables 1 and 2, respectively.

V. BUDGETARY ARRANGEMENTS FOR THE FIRST FINANCIAL PERIOD

30. The Convention states that the expenses of the Tribunal shall be borne by the States Parties and the International Seabed Authority and also by other users of the Tribunal, which includes States that are not States Parties. 44/

31. Apportionment of contributions (scale of assessments). There is no clear guidance in the Convention with regard to the manner in which the financing of the Tribunal would be apportioned between States Parties and the Authority. 45/ It is to be decided by the meeting of States Parties.

32. A scheme for apportionment or a scale of assessments would have to be adopted. The determinations could be based on the capacity of each State Party to pay, taking into account the established criteria and the international practice in this regard.

33. Pending the review and adoption of the first annual budget of the Tribunal, it was concluded by the Special Commission that a means of financing the interim expenses and providing for an interim mechanism to control the provisional budget and to control the interim expenses needed to be determined. This appears necessary in view of the anticipated delay in the approval of a scale of assessments. In this context, following international practice, the adoption on an interim basis of an existing scale of assessments such as that of the United Nations was considered an appropriate option. Such an arrangement would necessarily be without prejudice to the adoption later of a scale of assessments specific to the Tribunal. 46/

34. A provisional period is thus foreseen during which it would be necessary to make financial arrangements through the adoption of a provisional budget and the establishment of a working capital fund. This should cover the whole of the first financial period with the possibility of extensions to the next financial period pending renewal, revision or supersedence of the arrangement existing at the time. The Special Commission reviewed the alternatives as regards initial financing of the Tribunal. No conclusion was drawn as regards apportioning expenses among the States Parties. The option of advanced payment against contributions to be assessed in the future was considered as one possible source of initial funding. The alternative means of funding considered by the Special Commission are referred to in the relevant document. 47/

35. Start-up arrangements. General Assembly resolution 48/263, which was adopted by the Assembly on 28 July 1994, to which the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 is annexed, expresses (in its first preambular paragraph):

> "... the desire to achieve universal participation in the United Nations Convention on the Law of the Sea of 10 December 1982 ... and to promote appropriate representation in the institutions established by [the Convention]".

This expresses the political will to permit all States on a global basis to participate in constituting the Tribunal and particularly in the election of the judges. In the event that such an arrangement transpires, States that are not

yet Parties to the Convention, but which participate in constituting the Tribunal would also contribute to its costs.

36. It is relevant to note in this context that the Special Commission considered alternative means of initial financing of the Tribunal on the basis of LOS/PCN/SCN.4/WP.11 ("Issues concerning the initial financing and budget of the Tribunal") and the report on that review (LOS/PCN/SCN.4/WP.16/Add.7). The Preparatory Commission at its forthcoming session may be expected to make a recommendation in this connection in its report.

Notes

1/ Hereinafter referred to as "the International Tribunal".

2/ Hereinafter referred to as "the Convention".

3/ Para. 10 of resolution 1 of the Third United Nations Conference on the Law of the Sea. The Meeting of States Parties for election of the Members (judges) is to be convened in accordance with Annex VI, art. 4, para. 4, of the Convention.

4/ LOS/PCN/SCN.4/WP.8.

5/ LOS/PCN/SCN.4/WP.8/Add.1.

6/ LOS/PCN/SCN.4/WP.8/Add.2.

7/ LOS/PCN/SCN.4/WP.11.

8/ LOS/PCN/SCN.4/WP.16/Add.6 and Add.7 respectively, submitted by the Secretariat. See also Chairman's summary of discussions contained in LOS/PCN/SCN.4/L.14 in relation to the former and LOS/PCN/SCN.4/L.18 in relation to the latter.

9/ Para. 1 supra; see also LOS/PCN/SCN.4/WP.8/Add.2, para. 13.

10/ LOS/PCN/SCN.4/WP.16/Add.1.

11/ The financial implications of the meeting of States Parties, including the conference-servicing implications, are not reflected in the present paper. Separate estimates would be required for the same. The responsibility for convening and servicing the first meeting of States Parties (to be held in May 1995) were imposed on the Secretary-General as a result of the adoption of the Convention.

12/ The Convention specifies the number, which cannot be varied without modifying the Convention.

13/ The Convention requires the convening of the meeting of States Parties to elect the judges within six months of entry into force. In view of the several notifications, invitations, etc., to be issued within established time-

limits, it is assumed that the first meeting would be held towards the end of the six-month period,which would be before 16 May 1995.

14/ As proposed in scheme B of working paper (LOS/PCN/SCN.4/WP.8/Add.2).

15/ This would follow the pattern or meetings and arrangements made by the judges of the International Tribunal on the former Yugoslavia.

16/ Consistent with the precedent and practical considerations, this would be two to three months after the elections.

17/ Proposed to be in September 1995.

18/ Possibly in November/December 1995.

19/ Possibly in February/March and again possibly in April/May 1996.

20/ For a list of working papers see annex IV to the present document.

21/ See para. 13 below.

22/ LOS/PCN/SCN.4/WP.16/Add.7, para. 4.

23/ LOS/PCN/SCN.4/WP.8/Add.2, para. 19.

24/ LOS/PCN/SCN.4/WP.16/Add.6, para. 89.

25/ LOS/PCN/SCN.4/WP.16/Add.6, para. 98 (b).

26/ Possibly in September 1995.

27/ LOS/PCN/SCN.4/WP.16/Add.6, para. 95.

28/ LOS/PCN/SCN.4/WP.16/Add.6, para. 96.

29/ LOS/PCN/SCN.4/WP.16/Add.6, para. 18.

30/ LOS/PCN/SCN.4/WP.16/Add.6, para. 87.

31/ As required by Annex VI, art. 12, para. 3.

32/ Annex VI, art. 15; see also draft Rules of the Tribunal (LOS/PCN/SCN.4/WP.16/Add.1), art. 17.

33/ See draft Rules of the Tribunal, supra, art. 90, para. 3.

34/ Annex VI, art. 15; see also draft Rules of the Tribunal, supra, art. 19.

35/ Annex VI, art. 15; see also draft Rules of the Tribunal, supra, art. 18.

36/ LOS/PCN/SCN.4/WP.8/Add.2.

37/ LOS/PCN/SCN.4/WP.16/Add.6, para. 26.

38/ LOS/PCN/SCN.4/WP.16/Add.6, para. 99.

39/ LOS/PCN/SCN/4/WP.16/Add.6, para. 62.

40/ In 1993 the judges of the International Court of Justice received a net annual remuneration of US$ 145,000 (see A/C.5/48/66).

41/ LOS/PCN/SCN.4/WP.16/Add.6, para. 94.

42/ LOS/PCN/SCN.4/WP.16/Add.6, para. 97.

43/ The judges of the International Court of Justice are currently entitled to a net salary of $145,000 per annum (see A/C.5/48/66). In the case of the International Court of Justice, the judges are restricted in respect of the activities they can carry out (Article 16 of the Statute). The judges are required to attend sessions of the Court in The Hague each year. The Court remains permanently in session, except during judicial vacation. Unless they are on approved leave or ill or for other serious reasons explained to the President, they are to hold themselves permanently at the disposal of the Court (Statute, Article 23). The Judges of the International Tribunal for the former Yugoslavia receive the same salary as judges of the International Court of Justice, subject to their giving up all remunerated occupations for the duration of their judgeship (see A/C.5/48/36, para. 7). These judges also established three annual sessions which they are required to attend (document IT/13 of 30 November 1993). Besides the annual and special allowances, additional allowances are paid to the President and the Vice-President when acting as President in each case.

44/ Annex VI, art. 19.

45/ LOS/PCN/SCN.4/WP.16/Add.7, para. 10.

46/ LOS/PCN/SCN.4/WP.16/Add.7, paras. 11 and 14.

47/ LOS/PCN/SCN.4/WP.16/Add.7, paras. 15 and 21.

ANNEX I

REGISTRY STAFFING LEVELS AND DESIGNATIONS

FIRST FUNCTIONAL PHASE (STARTING JULY 1996)

Level	Functions	Number of posts
ASG	Registrar	1
D-2	Deputy Registrar	1
D-1	Assistant Registrar	0
	Principal Legal Secretary (Secretary, Rules Committee)	1
	Executive Officer	0
D-5	Accountant/Establishment Officer (Secretary, Budgetary and Administrative Committee)	1
	Senior Secretary (Secretary, Public Relations)	1
	Senior Secretary	1
P-4	Accountant/Establishment Officer	1
	Head, Documents Dept./Librarian (Secretary, Library and Archives Committee)	1
	First Secretary (Secretary, Staff Appeals Board)	1
	First Secretaries	0
	Special Assistant	0
	Revisers/Translators	2
	Information Officer	1
	Head of Office Secretarial Services	0
P-3	Secretaries	1
	Special Assistant	1
	Revisers/Translators	0
	Head of Archives	1
	Head of Administration/Personnel	0
	Coordinator, General Services	0
	Librarian	1
P-2/P-1	Associate Secretary	0
	Judiciary Secretaries/Researchers	1
	Associate Librarian	0
	Associate Administrative/Budget Officer	1
	Head of Office Secretarial Services	1
	Head of Printing	1
	Associate Archives Officer	1

Level	Functions	Number of posts
GS	Principal level	5
	Other levels	28
	Security Officers	2
	TOTAL	56

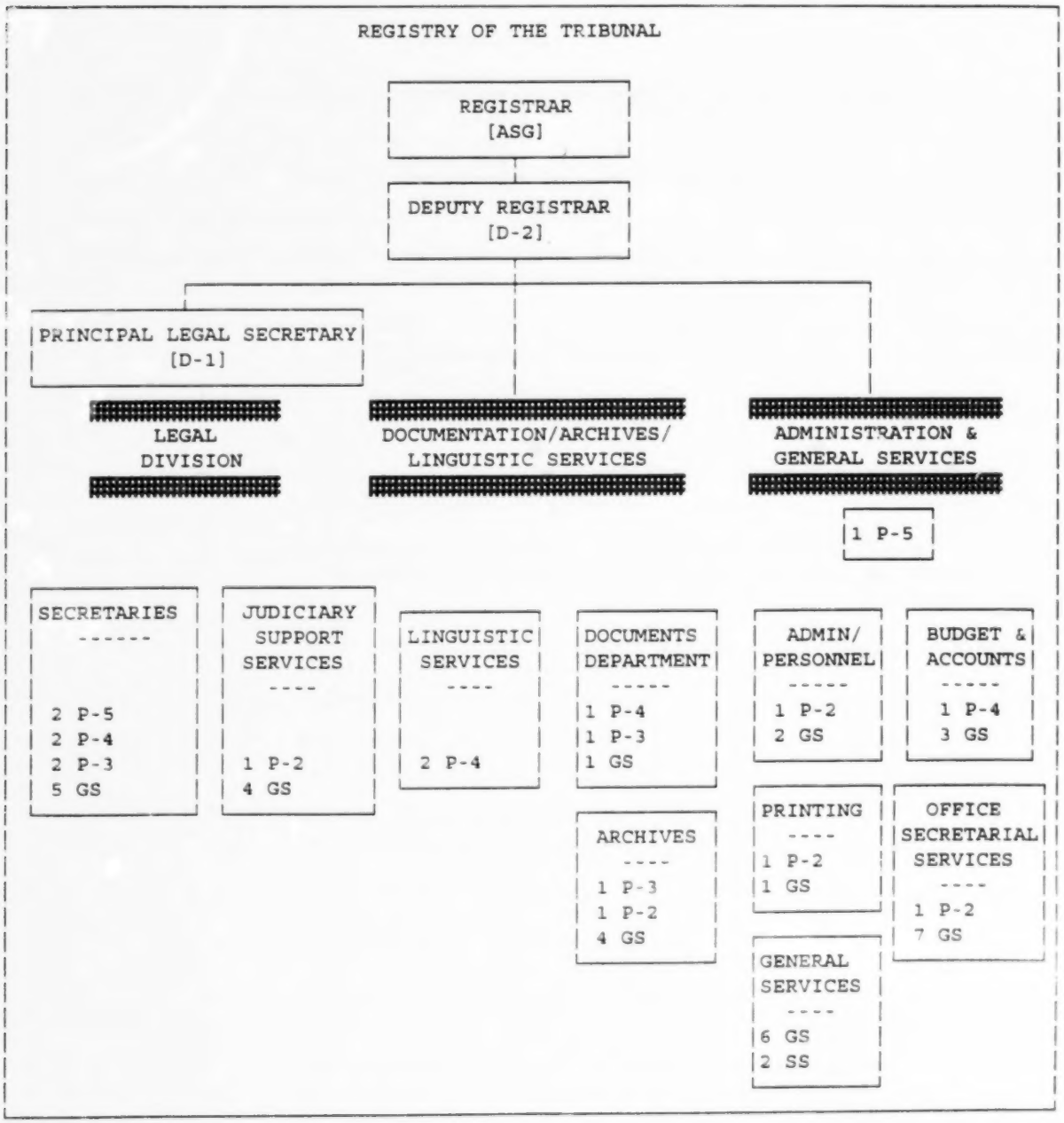
Post requirements

ASG	D-2	D-1	P-5	P-4	P-3	P-2/P-1	GS Princ. level	Other level	Total
1	1	1	3	6	4	5	5	30	56

ANNEX II

STAFF DISTRIBUTION BASED ON FUNCTIONS AND DIVISIONS

FIRST FUNCTIONAL PHASE (STARTING JULY 1996)



/...

ANNEX III

POST REQUIREMENTS IN THE ORGANIZATIONAL PHASE

START-UP PERIOD, JULY 1995-JUNE 1996

Post requirements

D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	Total General Service	Grand Total
July 1995 - June 1996								
1	1	1	1	1	2	7	14	21

ANNEX IV

DOCUMENTS OF SPECIAL COMMISSION 4 - WORKING PAPERS

(Abbreviated titles)

LOS/PCN/SCN.4/-

WP.1	Practical arrangements for the establishment of the International Tribunal (Working paper by the Secretariat) [16 March 1984]
WP.2	Draft Rules of the Tribunal. (Prepared by the Secretariat) [28 March 1985]
WP.2/Add.1 (and Corr.1)	Supplement to the Draft Rules of the Tribunal. (Prepared by the Secretariat) [25 March 1985]
WP.2/Rev.1/Part I	Draft Rules of the Tribunal (Revised). Part I. Articles 1 to 93. (Prepared by the Secretariat) [30 June 1986]
WP.2/Rev.1/Part II	Draft Rules of the Tribunal (Revised). Part II. Articles 94 to 140. (Prepared by the Secretariat) [24 March 1987]
WP.3	Table of concurrence of the draft Rules of the Tribunal. (Prepared by the Secretariat) [18 March 1985]
WP.4	Headquarters Agreements and related instruments on Privileges and Immunities. (Issues for consideration) [2 September 1986]
WP.5 (Part I)	Draft Headquarters Agreement between the Tribunal and the Federal Republic of Germany (Part I). (Prepared by the Secretariat) [4 August 1987]
WP.5 (Part II)	Draft Headquarters Agreement (Part II) (Articles 17-28). (Prepared by the Secretariat) [26 February 1988]
WP.5/Rev.1 (and Corr.1)	Revised draft Headquarters Agreement. (Prepared by the Secretariat) [8 August 1988]
WP.6	Draft Convention/Protocol on the Privileges and Immunities of the Tribunal. (Prepared by the Secretariat) [23 March 1988]
WP.6/Rev.1 (and Corr.1-4)	Revised Draft Protocol. (Prepared by the Secretariat) [25 February 1991]
WP.7	Issues concerning relationship agreements between the Tribunal and other International Organizations. (Working paper by the Secretariat) [20 March 1989]

WP.8	Administrative arrangements, structure and financial implications of the Tribunal. (Prepared by the Secretariat)	[27 February 1990]
WP.8/Add.1 (and Corr.1)	Administrative arrangements ... (Supplementary cost estimates reflecting alternatives as to official working languages). (Prepared by the Secretariat)	[17 August 1990]
WP.8/Add.2 (and Corr.1)	Administrative arrangements ... (A scheme to phase in the establishment of the Tribunal). (Prepared by the Secretariat)	[29 August 1990]
WP.9	Relationship arrangements between the United Nations and the Tribunal. (Draft Agreement on Cooperation and Relationships between the United Nations and the Tribunal). (Prepared by the Secretariat)	[16 March 1990]
WP.9/Add.1	Relationship arrangements ... (Arrangements regarding the United Nations common system of salaries and benefits, and participation in the United Nations Joint Staff Pension Fund). (Prepared by the Secretariat)	[16 March 1990]
WP.10	Principles governing a relationship arrangement between the Tribunal and the International Seabed Authority. (Prepared by the Secretariat)	[10 August 1990]
WP.11	Issues concerning the initial financing and budget of the Tribunal. (Prepared by the Secretariat)	[1 August 1991]
WP.12	Suggestions of the Latin American and Caribbean Group regarding languages of the Tribunal (WP.2/Rev.1; WP.8 and Add.1 and 2)	[13 August 1992]
WP.13 (and Corr.1)	Proposals submitted by Austria, Belgium, Canada, Côte d'Ivoire, France, Greece, India, Poland, Senegal and Switzerland concerning the languages of the Tribunal (WP.2/Rev.1; WP.8 and Add.1 and 2)	[18 August 1992]
WP.14	Draft outline for Report of the Preparatory Commission containing recommendations regarding practical arrangements for the establishment of the Tribunal	[19 August 1992]
WP.15	Draft Report of the Preparatory Commission under paragraph 10 of resolution I containing recommendations regarding practical arrangements for the establishment of the Tribunal	[5 March 1993]
WP.15/Add.2	Draft Report ... (Final draft Headquarters Agreement between the Tribunal and the Federal Republic of Germany). (WP.5/Rev.2)	[5 March 1993]

WP.15/Add.3 Draft Report ... (Final draft Protocol on the Privileges and Immunities of the Tribunal). (WP.6/Rev.2) [5 March 1993]

WP.15/Add.6 Draft Report ... (Administrative Arrangements, Structure and Financial Implications of the Tribunal). (WP.8/Rev.1) [13 April 1993]

WP.16 Provisional Report of Special Commission 4. (Draft Report of the Preparatory Commission under paragraph 10 of resolution I containing recommendations for submission to the Meeting of States Parties to be convened in accordance with annex VI, article 4, of the Convention regarding practical arrangements for the establishment of the Tribunal) [12 October 1993]

WP.16/Add.1 Provisional Report ... (Final draft Rules of the Tribunal). (Working paper by the Secretariat) (WP.2/Rev.2) [... January 1994]

WP.16/Add.2 Provisional Report ... (Final draft Headquarters Agreement between the Tribunal and the Federal Republic of Germany). (WP.5/Rev.2) [14 October 1993]

WP.16/Add.3 Provisional Report ... (Final draft Protocol on the Privileges and Immunities of the Tribunal). (WP.6/Rev.2) [14 October 1993]

WP.16/Add.4 Provisional Report ... Relationship arrangements between the United Nations and the Tribunal. (Final Draft Agreement on Cooperation and Relationships between the United Nations and the Tribunal). (Working paper by the Secretariat) [10 December 1993]

WP.16/Add.5 Provisional Report ... (Report on principles governing a Relationship Agreement between the Tribunal and the International Seabed Authority). (WP.10/Add.1) [10 December 1993]

WP.16/Add.6 Provisional Report ... (Administrative Arrangements, Structure and Financial Implications of the Tribunal). (WP.8/Rev.1) [15 October 1993]

WP.16/Add.7 Provisional Report ... (Report with recommendations concerning the initial financing and budget of the Tribunal). (Prepared by the Secretariat) [18 October 1993]

WP.16/Add.8 Provisional Report ... (Provisional agenda for the First Meeting of States Parties to the Convention, convened in accordance with annex VI, article 4, of the Convention). (Working paper prepared by the Secretariat) [9 December 1993]

WP.16/Add.9 Provisional Report ... (Provisional rules of procedure for the Meeting of States Parties to the Convention, convened in accordance with annex VI, article 4, of the Convention). (Working paper prepared by the Secretariat)
[9 December 1993]

WP.16/Add.10 Provisional Report ... (Review of alternatives for the distribution of seats among Members of the Tribunal). (Working paper prepared by the Secretariat) [.....]

Notes

a/ These working papers also constitute addenda 4, 5, 7, 8, 9 and 10, respectively, to document WP.15, which were not previously issued as separate documents.

TABLE 1

ADMINISTRATIVE EXPENSES OF THE TRIBUNAL a/, b/

JANUARY-DECEMBER 1996

(Preliminary estimates) c/

(In thousands of United States dollars)

Objects of expenditure		Expenses
A.	Recurrent expenditures	
	Established posts	2 253.6
	Temporary assistance for meetings	209.7
	General temporary assistance	91.2
	Overtime	33.0
	Temporary posts	342.8
	Common staff costs	654.9
	Representation allowance	4.0
	Official travel of staff	63.5
	External printing and binding	166.4
	Annual and special allowances of Members	1 190.0
	Rental and maintenance of premises	(191.0) d/
	Rental and maintenance of equipment	69.3
	Communications	58.9
	Hospitality	4.0
	Miscellaneous services	3.0
	Supplies and materials	81.7
B.	Non-recurrent expenditures	
	Furniture and equipment	40.3
	Total	5 266.3

(Footnotes on following page)

(Footnotes to table 1)

---

a/ These estimates are preliminary and indicative, based on previous documentation (LOS/PCN/SCN.4/WP.8 and addenda) from which the relevant items have been extrapolated. The relevant administrative and budgetary departments have yet to do the same.

b/ Data on costs of established posts, common staff costs and representation allowance, etc., are based on the United Nations "Standard Costs Version", which was the basis for the estimates in the working papers considered by the Special Commission, i.e., LOS/PCN/SCN.4/WP.8 and addenda thereto, and LOS/PCN/SCN.4/WP.16/Add.6. These have been revised to account for the inflationary factor applicable to 1995. In the absence of data applicable to United Nations staff in Hamburg, the data on duty station The Hague is used in the table.

c/ If any applications or cases are submitted during this period, the financial implications of court proceedings will have to be separately estimated and appropriate budgetary arrangements provided; see paras. 30-32, supra.

d/ Not included in total. In the event that no rental is involved, maintenance costs may be required. Assumes only utility payments and for services in the light of the host country providing permanent facilities and temporary facilities pending completion of the permanent facility.

TABLE 2

ADMINISTRATIVE EXPENSES OF THE TRIBUNAL

START-UP PERIOD, JULY-DECEMBER 1995 a/, b/

(Preliminary estimates) c/

Objects of expenditure	Expenses (in thousands of United States dollars)
A. Recurrent expenditures	
Established posts	350.6
Temporary assistance for meetings	69.7
General temporary assistance	31.3
Overtime	7.2
Temporary posts	37.8
Common staff costs	192.0 d/
Representation allowance	1.3
Official travel of staff	27.0
External printing and binding	11.6
Annual and special allowances of Members	430.8 e/
Rental and maintenance of premises	(44.0) f/
Rental and maintenance of equipment	43.4
Communications	10.4
Hospitality	1.3
Miscellaneous services	0.9
Supplies and materials	14.3
B. Non-recurrent expenditures	
Purchase of furniture and equipment	13.4
Total	1 242.8

(Footnotes on following page)

/...

(Footnotes to table 2)

---

a/ These estimates are preliminary and indicative. They are based on previous documentation (LOS/PCN/SCN.4/WP.8 and addenda) from which the relevant items have been extrapolated. The relevant administrative and budgetary departments have yet to do the same.

b/ If any applications or cases are submitted during this period, the financial implications of court proceedings will have to be separately estimated and appropriate budgetary arrangements provided; see paras. 30-32 supra.

c/ Does not include costs of preparatory missions for establishing costing standards or for preparing facilities.

d/ Includes initial travel of judges.

e/ Assumes President, Vice-President and three judges present for four months September-December 1995; also assumes the other judges attend executive sessions for two months; also assumes that all judges receive annual allowance, special allowances and subsistence payments on the basis of duration of active participation.

f/ Assumes only utility payments and for services in the light of the host country providing permanent facilities and temporary facilities pending completion of the permanent facility.